

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 34
Meeting Date: 04/12/01

SUBJECT: QUIKTRIP CONVENIENCE STORE #408 #DRB01136

PREPARED BY: Steve Venker, Principal Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: Request to appeal a Design Review Board Condition of Approval for QuikTrip at 1106 East Broadway Road.

COMMENTS: **DESIGN REVIEW APPEALS (0102-05-03)** Request to appeal a Design Review Board Condition of Approval #6 for **QUIKTRIP CONVENIENCE STORE #408, #DRB01136** (QuikTrip Corporation, property owner) located at 1106 East Broadway Road in the C-2, General Commercial District.

Condition Requested to be Appealed:

6. Provide upgraded paving materials, such as unit pavers, exposed aggregate, or colored concrete, as accents for all pedestrian sidewalks on the site, for a crosswalk across the parking area to the building and at the main entry to the building. Provide unit pavers at all entry drives to the site.

Document Name: 20010726devsrh17

Supporting Documents: Yes

SUMMARY: The applicant's request is based on the opinion that since other existing developments in the near vicinity do not have upgraded paving materials, then the QuikTrip should not be required to install upgraded paving materials. Tempe's objective for development has always been to improve upon existing development with each new development or redevelopment project. Broadway Road corridor is one of the older established areas of Tempe. As such, opportunities for new or redevelopment projects along the Broadway Road corridor have been infrequent, so efforts to improve the quality of the development along the corridor have been incremental. The condition being appealed is based on the Design Review criterion that requires special treatment of these elements within each development proposal. Over the past fifteen (15) years, the condition to provide upgraded paving materials has consistently been included in Design Review letters of approval. Since each new project builds and improves on the past, or previous projects, Staff recommends that City Council deny the appeal, so that the incremental improvement of the Broadway Road corridor may continue.

RECOMMENDATION: Staff – Deny the appeal
Design Review Board – Deny the appeal
Public – No input to date

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts / Description
 3. Comments
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- A. Location Map
 - B. Site Plan
 - C. Letter of Appeal
 - D. Design Review Minutes of the June 6, 2001 meeting

HISTORY & FACTS:

September 13, 1979.

City Council approved a request of A.G. Spanos from C-2 to R-3 for 12.8 acres adjacent to the north of the subject site. This action included a condition (#11) that the remaining C-2 on Broadway adhere to a 30' building setback.

March 27, 1980.

City Council approved a Final Subdivision Plat for A.G. Spanos at the northwest corner of Broadway Road and Dorsey Lane. The subject property is Tract 4 at the SWC of that subdivision.

September 25, 1986.

City Council approved the request of Wen-Clay International for a site plan for Broadway Bank Office/Retail Center consisting of 51,446 square feet on 3.7 acres. Note: This project never pulled building permits, therefore, their approval has lapsed.

May 8, 2001.

Planning Commission continued this request due to proposed site plan modifications.

May 22, 2001.

Planning Commission approved a site plan for a gasoline convenience store consisting of 5,326 s.f. and an office building consisting of 10,944 s.f. on 3.12 acres located at 1106 East Broadway Road. This approval included:

- a. A Use Permit to allow a fuel dispensing facility to be located in the C-2, General Commercial Zoning District.
- b. A Variance to allow a fuel dispensing facility to be located in an area away from the intersection of arterial streets.

June 6, 2001.

Design Review Board approved a request by QuikTrip #408 for building elevations, site plan and landscape plan for a convenience store with gas pumps and canopy, and an office building located at 1106 East Broadway Road.

DESCRIPTION:

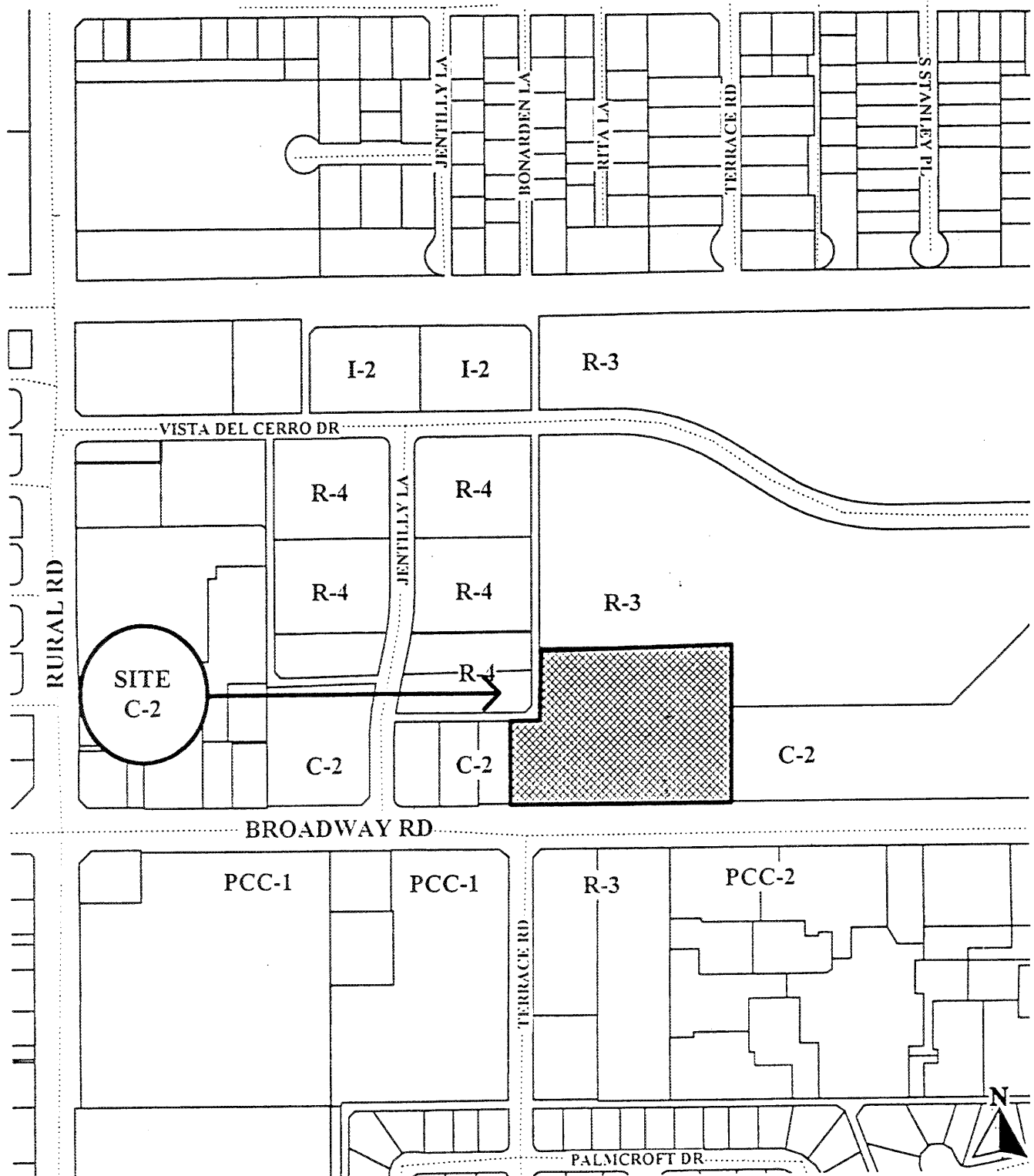
Owner - Dan Bonow/QuickTrip Corporation

Applicant - Mark Irby/Architects Design Studio, Inc.

COMMENTS: The applicant's request is based on the opinion, expressed at the Design Review Board meeting, that since other existing developments in the near vicinity do not have upgraded paving materials, then the QuikTrip should not be required to install upgraded paving materials. Two (2) driveways are provided onto this site. The western driveway has a traffic signal, as it aligns with Terrace Road. Public Works/Transportation staff have worked with the applicant to modify the design of the western driveway so that its width and possible "vehicle stacking" conflicts have been coordinated with the traffic signal. The current configuration provides a raised median in the center of the driveway. Vehicle sensor wire loops will be placed in the pavement on the west half of this median. It is inappropriate to install upgraded paving where the signal sensor wire loops are required because the sensor will be ineffective. Therefore, staff recommends that the eastern half of the driveway at the Terrace Road alignment should have upgraded pavement per the Design Review Board condition of approval. Near the southeast corner of the site there is another driveway that is a right-turn-in, right-turn-out driveway, because a center median exists in Broadway Road. Since there is no need for vehicle sensor wire loops at this driveway, staff recommends that upgraded pavement should be installed per the Design Review Board condition of approval. Regarding the pedestrian sidewalks on the site, the crosswalks across the parking area to the buildings, and the main entry to the buildings, the site plan indicates the location of these areas but does not identify what type of paving materials will be installed at these areas. Staff recommends that upgraded paving materials such as unit pavers, exposed aggregate concrete, or colored concrete, should be installed as accent materials in these pedestrian areas.

QUICKTRIP FACILITY #408

SIP 2001.32



Location Map SEE OTHER SIDE FOR MORE INFORMATION

Project Dat

QUALITY CONTROL
 COMPREHENSIVE
 THE EAST BROMWICH ROAD, WHITE
 118700-1000-1000
 (460) 444-4444
 FAX (460) 501-
 APPOINTMENTS DESIGN INC.
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 TEMPE, ARIZONA 8
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 FAX (460) 444-4444
 COMPRESS STORES, 1000 EAST BROMWICH RD
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 WITH CITY OF TEMPE, ARIZONA

6-4 VEHICLE

INCLUDES:

- (69) STANDARD SPACES
- (24) COVERED SPACES
- (4) HANDICAP ACCESSIBLE SPA's
- (1) VAN ACCESSIBLE SPACE
- (3) TENOR PARKING SPACES

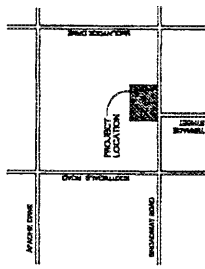
CONFORMANCE ABOVE = \$0.80/M²
OFFICE BUILDINGS = \$0.80/M²

DIVISION H DIVISION H
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\$0.80 = 1 SPACE PER 2500 SF + 3 X 2 - 6 SPAC
\$0.75 = 1 SPACE PER 2500 SF + 4 X 3 - 6 SPAC

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**QuikTrip Corporate**

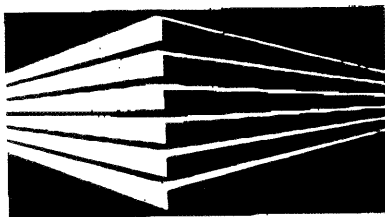
QuikTrip Facility #408 Broadway Road, Tempe, Arizona

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Jul 2 2001



Development Strategies, Inc.

June 15, 2001

Via Hand Delivery

Ms. Kathy Matz
City Clerk
City of Tempe
31 E. Fifth Street
Tempe, AZ 85281

Re: QuikTrip – Application No. DRB01136
Appeal of Design Review Board Action

Dear Ms. Matz:

The above-referenced Application was heard at the June 6, 2001, hearing of the Tempe Design Review Board. The Board approved the request subject to stipulations. This correspondence shall serve to appeal the Design Review Board approval to the Tempe City Council. This appeal is being filed within the specified fourteen-day timeframe outlined by City Codes and Ordinances.

The appeal shall focus on a portion of Stipulation No. 6 as approved by the Board. The requirement to "Provide unit pavers at all entry drives to the site" is the subject of the appeal.

Please schedule this appeal for a future hearing of the City Council. Thank you for your consideration of this request. Should you have any questions or require any additional information in regard to this matter, please do not hesitate to call me.

Very truly yours,

Development Strategies, Inc.

Steven Bauer

cc: Dan Bonow, QuikTrip Corporation
Mark Irby, Architect's Design Studio

**VERBATIM MINUTES FOR DRB01136, QUIKTRIP CONVENIENCE STORE #408, FROM THE
DESIGN REVIEW BOARD MEETING OF JUNE 6, 2001:**

DRB01136 QUIKTRIP CONVENIENCE STORE #408
(Building elevations, site plan and landscape plan)
1106 East Broadway Road
C-2, General Commercial District

8:24 p.m.

Jeff Tamulevich: Mr. Chairman and the Board, the next item on the agenda is Item #8, DRB01136, QuikTrip Convenience Store #408, requesting building elevations, site plan and landscape plan, located at 1106 East Broadway Road, in the C-2, General Commercial District. The applicant is Mark Irby.

Bill Regner: Thank you, Mr. Irby, please name and address again for the record please.

Mr. Irby: Mark Irby, 605 South Ash, Tempe. And I was also wondering, can we also hear Item #12 at the same time, which I believe is the office portion of this...?

Mr. Regner: I think we have different issues on the two applications, I think we're going to have to take them, we probably can take them consecutively.

Mr. Irby: OK, that's fine.

Mr. Regner: Ok let's go to the staff report please, on DRB01136.

Mr. Tamulevich: Mr. Chairman, as I stated earlier, I believe we've come a long way with the applicant with this proposal. I believe there's three outstanding conditions or concerns from the applicant, and those conditions are, condition #1, #6 and #23. Condition #1 deals with the western access driveway being reduced from 55 ft. in width to 40 ft. in width. Condition #6 is actually the last sentence of that condition, which requires the applicant to provide unit pavers at all entry drives to the site. And, condition #23 deals with the red illuminated band. Staff would like to see that band be modified to utilize red tile instead of illuminated plastic.

Mr. Regner: Is that your report? OK, Mr. Irby, would you like to state your rationales in your application?

Mr. Irby: OK, first item, probably need to switch to the site plan item. Item #1 dealing with the 40 ft. driveway; our problem and concern with that one is the existing driveway is shifted off-center from the street to the south of us and it's also off our property. About right here, 40 ft. comes from this property line all the way to this end of the drive, and what we've done is that is also centered on the street on the other side of Broadway from us. The additional width comes in play because of the parcel that is off our property, and we're working with Midas to try to see if we can reconfigure that and bring it down to a 40 ft. driveway. But right now it's kind of out of our control. If we need to maintain a 40 ft. drive, it will be off-center from a lighted intersection and I think becomes a lot more dangerous condition than just being 55 ft. wide. So that's the rationale behind Item #1.

Item #6, our only concern with that one item was dealing with the unit pavers at the entry drive. We just have never done it before and one of our concerns is that, if nobody else is doing it along Broadway and I'm not sure to be honest with you, as many times as I've been by this site, I don't know if the property to the east of us, which is Sonic, if their driveway has pavers or not, I don't remember seeing them. But I could be wrong. So,

our objection would be more of adding something totally different to the streetscape than what's already out there, and just adding to the cost of the driveways.

The next item is getting back to the architecture and exterior of the building. The first item is Item #23, and it talks about the red illuminated band, changing it to red tile. That is a characteristic of all the QuikTrips throughout the country. It also is what we constructed in Tempe over at the Warner & Hardy site. My memory is that the DR concern on that project was mainly that they heard the word "neon" and it was afraid that this was going to be a neon strip. The reality of that band is a, it's like a half-circle, red lens that goes over a white neon which just provides a continuous light band. We're going to talk about the corporate office, and the corporate office we are actually are trying to complement this without copying it, but we wanted the band in that one also. Our original proposal on that one was metal, and we agreed, and the only reason I'm talking about this is that it relates to this portion, is we agreed to possibly eliminate the metal red band on the office portion of it and go to tile, because again, we're not trying to mimic the store portion. But the store, it's just a very critical item to the overall appearance of the QuikTrip.

Mr. Regner: Mr. Irby, do you have a sample of the lens, the lensing material?

Mr. Irby: We did not bring one with us. I didn't.....

Mr. Regner: How thick is the lens itself, the plastic?

Mr. Irby: Oh, it's about an eighth of an inch thick.

Mr. Regner: And I assume it has some UV rating to it, protection to it, so it doesn't deteriorate and....

Mr. Irby: Correct, yes.

Mr. Regner: How long has it been installed at the other site?

Mr. Irby: Well, the Warner & Hardy site has only been opened up for the last two months?

Mr. Regner: Two months and it still looks OK?

Mr. Irby: It still looks red.

Mr. Regner: All right.

Mr. Irby: I think it turns out very attractive looking feature to the building.

Mr. Regner: Did you have other comments on the points that staff is making?

Mr. Irby: Yes, the other one deals with Item #24, and I think we've kind of dealt with it if I'm correct.

Mr. Regner: That's been modified to allow the ten pumps. So that's not an issue here?

Mr. Irby: And we also modified #29....

Mr. Regner: #29 has been deleted. #35 is deleted. #62 will be deleted.

Mr. Irby: Then I think that's it for my comments on the store portion of this.

Mr. Regner: We'll go to Board comments.

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: Mr. Irby, I'm with you 100%. I agree that the pavers at the entry way, I think in this particular case, although I like pavers, I don't think it adds anything to it other than the cost. If it somehow aesthetically added to it, to the overall appearance, it would be one thing that you could say, well, but I don't think it adds in this regard. So I would say, you are right on that. As far as point #1 is concerned, in terms of the width of the driveway, I think in this particular case you're right on here. I think we need to go with you, and make sure the thing's lined up and the width is appropriate to handle what it needs to handle. And on point #23, the red illuminated band, I live down the street from the Warner & Hardy site and it's fine, it looks good, it's a clean look, I think it brings you an identity, I think that's what needed. So, I am with you on all of these and I will support your proposal to also include the elimination of those items 29, 35 and 62.

Mr. Regner: Thank you Mr. Nicpon. Any other comments?

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: Regarding the stipulations that are in contention, I'm not opposed to the driveway width as proposed. I guess my big concern is will it provide safe access in and out from, I believe that's Terrace Road, coming north into the site and going south from the site. Is that Terrace Road, Mr. Venker?

Mr. Venker: Yes, sir.

Mr. Valenzuela: I'm not opposed to the width itself, I just want to make sure that it's not too wide or that there is safe access north and south from the site to the neighborhood to the south. Regarding the upgraded paving materials, I'm a little unclear as to what that means exactly. Are you talking at the sidewalk to provide an updated material, or should there be unit paver bands just inside the sidewalk, I'm not sure exactly what you mean by an upgraded material there. Mr. Venker?

Mr. Venker: What we're trying to achieve is upgraded paving for the on-site distance that the required driveway width is, which is 20 ft. on-site. And it would extend from the back of sidewalk to that point, 20 ft. on-site. And to answer the question that came up about other driveways in the vicinity, some of the development along this stretch of Broadway Road is really old and, as we've had new development come into this area, we've been able to obtain the upgraded paving and driveway areas. The new development right next door to this site, the Sonic drive-in, their access drive has been in place probably for 20 years, and they actually come onto an adjacent site before they enter their site. But the condominiums farther east from here, the office complex across the street from here...

Mr. Regner: I believe that's Dorsey Crossings...

Mr. Venker: Yes, Dorsey Crossings, and they do have upgraded paving in the driveways, and they're relatively newer developments.

Mr. Valenzuela: This stipulation, I guess, is a pretty typical one, is it not for most new developments?

Mr. Venker: Yes it is.

Mr. Valenzuela: Was this sort of paving also provided at the Extra Mile Market at McClintock & Broadway?

Mr. Venker: I believe that we had a condition for it, and I believe it was put in place. I don't recall specifically.

Mr. Valenzuela: OK. I guess I would support staff in having some unit pavers there, I think, upgrading the site. We need to start somewhere and this is as good a place as any I guess. I think some of the Sonic is a different issue, I guess because of the re-use of an existing driveway, but I think we need to start somewhere and start redeveloping these sites with some upgraded materials. I'm not in opposition to the illuminated band; I support that. Those are my comments. Thank you.

Mr. Regner: Thank you, Mr. Valenzuela.

Mr. Venker: Mr. Chairman?

Mr. Regner: Mr. Venker.

Mr. Venker: If I may offer some response to Mr. Valenzuela's comments about the driveway width. Part of the reason for the recommendation to reduce the width is indeed based upon concerns about traffic flow onto and off this site and the adjacent site, in that with the driveway at the 55 ft. width, at this point in time, there is not going to be enough elements to that driveway to guide vehicular traffic to the right lanes to facilitate the correct traffic movement through that portion of the intersection. With this kind of development there is going to be a significant increase in the traffic flow at this t-intersection and through this driveway and our Transportation Division is going to be requiring that the vehicle sensor loops, that typically are located in the pavement at intersections, be installed on this private property so that when a person is in a vehicle waiting to exit the site they would trigger the sequence of traffic signals so that they would have an opportunity to exit safely with the rotation of the traffic signal sequence. If the driveway width remains as wide as it is, there is going to be an opportunity for cars to get into that far west edge of the driveway and outside of that loop of sensors and be out of the sequence of the lights as they change.

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: Regarding your comments, Mr. Venker, if they are on that very far west end of that driveway I would assume that they are turning right anyway and may not need that signal for safe access onto Broadway. Is that correct?

Mr. Venker: That could be the situation. However, there may not be, I know I'm going to say this incorrectly, there may not be the right, the traffic flow wouldn't be guided in the right way with the additional width. Having that third lane in the driveway in other locations has resulted in a problem in conflicts in the traffic flow.

VERBATIM MINUTES FOR DRB01136, 6/6/01

Mr. Regner: Mr. Venker, is there, do you know if there is currently one of these traffic sensing devices in the driveway for the muffler shop?

Mr. Venker: No sir, there is not.

Mr. Regner: There is not. So apparently they do not enjoy that convenience now.

Mr. Venker: Correct.

Mr. Tamulevich: If I might add to what Mr. Venker had said, we also believe that pedestrian movement will also be endangered with the additional 15 ft. of driveway width. Pedestrians are going to have to cross that extra 15 ft. 55 ft. is quite wide for any main or arterial street in the City of Tempe.

Mr. Regner: Thank you Mr. Tamulevich. Ms. Bogart?

Ms. Bogart: I just had another thought that I wanted to throw into the pot. What if we were to modify stipulation #1 to require that it be worked out with the Public Works and Transportation departments to something that is satisfactory to them, possibly including a median on that side of the street so they break up their 55 ft. It seems that across the street there is a median, separating the two directions of traffic. I'm not a traffic engineer, I wouldn't pretend to be one, but possibly there's a way to carry that across the street so all the work they're doing is on their property and aligning the street. I don't really see a very safe solution to this and I'm looking for the safest.

Mr. Venker: Ms. Bogart, believe me, we are also trying to achieve the safest solution to this end. If the Transportation and Public Works engineering divisions had their way at this point in time, that median in Terrace would be removed, because they see those as a hindrance to effective traffic movement. The suggestion to put a median on this new development is probably one that they would not support because of the configuration of the landscaped parking area that's immediately north of this entry drive. Other things on the site would have to change, and maybe it can be worked out, I really don't know at this point in time.

Ms. Bogart: So might I suggest then that we modify item #1, whomever actually makes the movement, to reflect that it be approved by the Public Works and Transportation departments to their satisfaction without requiring that 40 ft. width. Would that be something kind of legal when we get to that point?

Mr. Venker: I'm sorry, let me get to that condition. I think we are trying to achieve that with the second sentence, when we say details be approved by Public Works, Transportation Division and Planning staff. I think that that, if there's an opportunity to utilize the median to provide a better means of guiding the traffic circulation, that's something that will probably be factored into the discussions we have with the applicant about reducing the width of the driveway itself. When a median is added to a driveway, it effectively becomes a 45 ft. wide driveway with a five foot media separating two 20 ft. drive aisles, and that is something that has been acceptable in the past.

Ms. Corey: Mr. Chairman?

Mr. Regner: Go ahead Ms. Corey.

Ms. Corey: Not to beat this issue to death, but to put this into perspective. A typical driveway width for a commercial project is 25 ft. wide; a shared one is 30 ft.; a residential street, like at my house, is 30 ft.; and 55 ft.

is a half-street, so a half of Broadway wide. That is a big driveway. Even a shared driveway between two projects is 40 feet. So I would like to see this reduced. 40 feet is even pushing it in my opinion, but I'd be willing to support that. I think regardless of the fact that this needs to be an issue resolved by the City Engineer. So whatever stipulation we come out to, I would like to see the City Engineer have the ultimate discretion on this issue.

Mr. Regner: Thank you Ms. Corey. I have a question: The applicant made the statement, and I live in this neighborhood and I think I understand what they are saying, Terrace comes North; there's a light there. Moving south out of both the muffler shop and now this QuikTrip, and for these people to be able to go right or left, certainly going right they're not going to be impeded. They can turn right after a stop without the light being green. But to go left, they're going to have to have a green light. So, I think it's going to be important that this light line up for these cars to leave this site. They're going to come into this driveway, the muffler shop does not have a driveway directly south of their building, and the bays for that muffler shop are on the east side of that building. So people come in, they park, you know, they see the activity going on within the muffler shop, as they enter into the parking lot. I'm having a hard time not agreeing to line up these driveways, and if it means it's going to be wider, I understand what the concerns are, but I think the concerns, my concerns, are greater to have a driveway that does not align, and you have a light there, and then does that light apply to the people leaving the parking lot of the QuikTrip and the muffler shop? I think just adds more confusion to it. I really think it ought to be lined up.

Mr. Steve Bauer: Mr. Chairman, if I could, I think I'd like to say a few words on this matter....

Mr. Regner: Would you state your name and address for the record please?

Mr. Bauer: Steve Bauer, 1101 East Warner Road, Tempe.....

Mr. Venker: Excuse me Mr. Chairman, before Mr. Bauer continues, I need to advise the Board that Mr. Bauer's addressing this Board is inappropriate at this time. He has not been away from this Board, as I understand it, a member who resigns from the Board or whose term expires and leaves the Board, cannot address the Board for a full 12 months after that time that they leave the Board.

Mr. Regner: Was that something that we signed when we accepted this.....

Mr. Venker: It's part of the conflict of interest rules and laws for the State as I understand it.

Mr. Bauer: That's very interesting.

Mr. Regner: Mr. Bauer, would you be willing to honor that this evening?

Mr. Bauer: I would, but I don't think other Board members who have stepped down from this Board, including Mr. Jones, Mr. Kelly, Mr. Reed, none of them have been placed into that type of position. That's a very untenable position; I do not believe there's a conflict of interest at all, and will state that for the record.

Mr. Regner: Thank you.

Mr. Bauer: But with that, certainly not wanting to get afoul of State law, certainly not Tempe preference, but State law, that concerns me quite a bit. If I could have a moment with Mr. Irby, I'll explain to him my comments and.....

Mr. Regner: Please, Mr. Bauer, please take that time.

Mr. Venker: Mr. Chairman, if I may follow up on a comment that Mr. Bauer made regarding past Design Review Board members.

Mr. Regner: Please, Mr. Venker.

Mr. Venker: I have been with the Board during the tenure of those members that he identified, and it's been my position to observe and make certain that they don't come before the Board within that 12 month time frame. And I can assure you that that has not happened. They have made provisions for other persons to represent them when they've come back to the Board.

Mr. Regner: Thank you.

Mr. Irby: To follow up with what Steve (Bauer) was about to indicate.... You know, a standard commercial driveway in Tempe is 40 ft. For this to be 40ft., it means this whole driveway has to shift to the east, 15 ft. Which, again, I think Traffic's biggest concern would be more of an offset driveway condition, which I think you've already alluded to. As far as a wider than 40 ft. drive, I think we're getting fat in the right direction. I think we're dealing with the side where people are making right turns only typically, and I don't think it's really that much bigger that it really creates that big of a confusing intersection.

Mr. Regner: Do you have the ability to extend the curb from the west going east to narrow the driveway? Or is your ability only on the east side of this.....

Mr. Irby: No, ours is from our property line which is this point right here, and it's actually 40 ft. from here to there.

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Yes, Mr. Nicpon.

Mr. Nicpon: Mr. Irby I don't understand why, why can't you, I'm for the 55 ft. because I think it's imperative for ingress/egress, I think it's imperative for the business vitality of this place. But why couldn't you take 40 ft. and center it on the Terrace Street across? Why couldn't you center it?

Mr. Irby: No, we are centering it with the exception of the existing 15 ft. drive that is on the Midas property. Let me draw something....

Mr. Nicpon: Is that your driveway?

Mr. Irby: Let me also kind of we are trying to work with Midas to eliminate that 15 ft. of driveway to the west, which would then make this a 40 ft. drive, but if we're not successful in doing that with them, which I'll be surprised if we can't.....

Mr. Nicpon: Because, right now, are you telling me that Midas only has a 15 ft. driveway?

Mr. Irby: Yes. The other half of their driveway is on this property. Correct.

Mr. Nicpon: So to get into Midas here, or come out of Midas here....

Mr. Irby: It's a 35 ft. driveway, so 20 ft. of it is on our property.

Mr. Nicpon: So what you want to do is rip it all up and make one continuous driveway, correct?

Mr. Irby: Correct.

Mr. Nicpon: I'm still staying with your logic here. I think that's proper and it will, it's the way to go.

Ms. Bogart: Mr. Chair?

Mr. Regner: Yes, Ms. Bogart.

Ms. Bogart: I have another question. So basically you're saying the center line of the street across, that's Terrace, is at 32 ft. 6 (in.) from the edge of that 40...but I think it's an interesting surprise that it happens to fall at exactly 40 ft. from your property line. That's what I'm kind of questioning.

Mr. Regner: OK, the Chair would like to entertain a motion.

Mr. Valenzuela: Mr. Chairman, I have one final comment on this issue.

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: It seems to me that a similar situation exists already in Tempe at Baseline and Kyrene. There's a gas station/car wash on the north side and the access from that site is tied to the signal also. And as I recall that site, on the north side of Baseline, there are striping, there's striping in the driveway to direct traffic. Could that not be a solution here?

Mr. Venker: Mr. Chairman, to answer Mr. Valenzuela's comments. That will be a part of the solution here, part of the Transportation Division's requirements for this will be striping of that driveway to make sure that the vehicle traffic entering and leaving is in the proper lane to, again, facilitate the signal change.

Mr. Valenzuela: Mr. Chairman?

Mr. Regner: Mr. Valenzuela.

Mr. Valenzuela: Even with the striping, you feel and I guess the Public Work Department feels also still that the 55 is too wide, even with striping?

Mr. Venker: Yes, sir.

Mr. Valenzuela: Thank you.

Mr. Regner: Ms. Corey?

Ms. Corey: May I entertain a motion, Mr. Chair?

Mr. Regner: I will certainly entertain one, if you'll make it.

Ms. Corey: I recommend that we approve this project subject to the following conditions: Delete Item #1; oh, excuse me, modify Item #1 to read as follows: The ultimate driveway width shall be determined by the City Engineer. Item #29 shall be deleted. Item #24, the portion about the pumps being deleted from 10 to 8 shall be removed. Item #35 shall be deleted. Item #62 shall be deleted. #23 will remain as written. That is all that I have at this time.

Mr. Regner: I'm sorry, Item #23 will remain as staff's recommendation?

Ms. Corey: (vocal sound to indicate she agreed)

Mr. Regner: OK, do we have a second? We have a motion by Ms. Corey. Do we have a second? Hearing no second, the motion fails. The Chair will entertain another motion.

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: I move we accept DRB01136, with the following modifications: Stipulation to read "The western access driveway to the site shall...."

Ms. Dianne Garrett: What condition are you referring to?

Mr. Nicpon: Stipulation #1. "...have a maximum width of 55 ft." #6, eliminate "Provide unit pavers at all entry drives to the site." Delete #23. #24, delete the phrase "by reducing the amount of pumps to 10 to 8." Delete #29. Delete #35. Delete #62.

Mr. Regner: We have a motion by Mr. Nicpon. Do we have a second?

Mr. Valenzuela: Second.

Mr. Regner: Comments from the Board.

Mr. Gavigan: Mr. Chairman?

Mr. Regner: Mr. Gavigan.

Mr. Gavigan: I can't support this given the lack of unit pavers and my experiences with the street width at the Kyrene car wash. I think it's just too wide and it needs to be narrowed. I will not support this.

Mr. Regner: Thank you, Mr. Gavigan. Other comments? My comment would be that I will not support the motion without stipulation #6 as requested by the staff. Otherwise, I will support a motion. Any other Board comments?

Mr. Nicpon: Mr. Chairman?

Mr. Regner: Mr. Nicpon.

Mr. Nicpon: May I amend my motion?

Mr. Regner: Please.

Mr. Nicpon: I'd like to amend the motion to point #6, to keep it STET, or as is, to include "Provide unit pavers at all entry drives to the site."

Mr. Regner: We have a modified motion by Mr. Nicpon. Do we have a second in agreement?

Mr. Valenzuela: Yes.

Mr. Regner: The second agrees with the modification to reinstate stipulation #6.

Ms. Bogart: Mr. Chair?

Mr. Regner: Ms. Bogart.

Ms. Bogart: Since we are suggestions modifications to the motion, would you consider modifying #1, instead of saying 55 ft., to making it just an undisclosed width that is acceptable by the Public Works and Transportation departments?

Mr. Nicpon: I feel uncomfortable with that, because given that department's discretion, they'll do what is absolutely least necessary to the vitality of the business. In other words, I don't trust them, given an open, carte blanche. I would like to give them the parameter, so I can't accept that as an addendum.

Mr. Regner: OK, we have a modified motion and a modified second. Any other Board comments? Everybody understand the motion as it is being made? OK, all those in favor of the motion, signify so by saying "Aye." (response) Opposed, same sign. (response) We have a 5-2 vote in favor of the motion. Dissenting are Ms. Corey and Mr. Gavigan. Mr. Irby, do you understand what just happened?

Mr. Irby: Yes, I do. We're doing pavers and a 55 ft. maximum drive. I think we may end up with a 40 (ft.) by the time we're done, but I just can't see.....

Mr. Regner: I think that that would be the preference of all of us, that it be reduced from the west so that it still lines up. If you can bring it to 40 ft. I think you'll make a lot of people happy. But I think the Board is, if I can speak for the Board, interpret the vote, we're sympathetic to the fact that that is not your driveway in total and that we'd like the driveway to line up with the street to the south. Thank you very much for your time and presentation.